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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,795	09/11/2000	Charles A. Lemaire	750.006US1	4145

21186 7590 03/26/2004

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EXAMINER

PARDO, THUY N

ART UNIT PAPER NUMBER

2175

DATE MAILED: 03/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/658,795

Applicant(s)

LEMAIRE ET AL.

Examiner

Thuy Pardo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-16 and 18-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-16 and 18-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's Amendment filed on December 29, 2003 in response to Examiner's Office Action has been reviewed. Claims 1-9 and 17 have been canceled, claims 10 and 14 has been amended.

2. Claims 10-16 and 18-34 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of 35 U.S.C. 102(e) which forms the basis for all obviousness rejections set forth in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 10-16 and 18-34 are rejected under 35 U.S.C. § 102(e) as being anticipated by Jawahar et al. (Hereinafter "Jawahar") U.S. Patent No. 6,298,356.

As to claim 10, Jawahar teaches the invention substantially as claimed, comprising:

receiving a plurality of transactions for the database system including a first transaction from a service provider and a second transaction from a service consumer [transactions for database from a server and customers through LAN and Internet, see fig. 1, 2, 4, 12], wherein the first and the second transactions are each associated with the service consumer [col. 6, lines 40 to col. 7, lines 27];

storing the plurality of transactions into the database system [col. 7, lines 53-65; ab];

selectively enabling access by the service consumer, based on an identification of the service consumer, to the stored first and second transactions associated with the service consumer to whom access is enabled [fig. 5; col. 4, lines 28-34; col. 6, lines 44 to col. 7, lines 52]; and

accessing the stored first and second transactions associated with the service consumer to whom access is enabled, the accessing being performed by the service consumer to whom access is enabled [col. 7, lines 53-65].

As to claim 11, Jawahar teaches the invention substantially as claimed. Jawahar further teaches receiving transactions by a docketing provider [database management server, 60 of fig. 2].

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As to claim 12, Jawahar teaches the invention substantially as claimed. Jawahar further teaches viewing a log of pending action items [fig. 8; col. 8, lines 25-37].

As to claim 13, Jawahar teaches the invention substantially as claimed. Jawahar further teaches that the service consumer uses a browser to access the stored transactions [browser application, col. 8, lines 25-40; 78 of fig. 2].

As to claim 14, all limitations of this claim have been addressed in the analysis of claim 10 above, and this claim is rejected on that basis.

As to claim 15, all limitations of this claim have been addressed in the analysis of claim 11 above, and this claim is rejected on that basis.

As to claim 16, Jawahar teaches the invention substantially as claimed. Jawahar further teaches that the transaction is associated with a service matter [col. 4, lines 10-50].

As to claims 18-21, it is a corresponding apparatus claims of claims 10-16 above; therefore, they are rejected under the same rationale.

As to claim 22, Jawahar teaches the invention substantially as claimed. Jawahar further teaches receiving an electronic message [E-mail, col. 4, lines 10-50], the system further comprising a decoder that extracts the transaction from the electronic message [inherent in the

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system that enables an email server to process all email transactions in the transaction processing environment, col. 4, lines 57-65].

As to claim 23, Jawahar teaches the invention substantially as claimed. Jawahar further teaches an input device that obtains a database transaction [input device, 314 of fig. 15]; an encoder that inserts the transaction into an electronic message [inherent in the system that enables an email server to process all email transactions in the transaction processing environment, col. 4, lines 57-65].

As to claim 24, Jawahar teaches the invention substantially as claimed. Jawahar further teaches a database stored in the storage, the database holding data for a plurality of service consumers including the first service consumer and for the first service provider [database 30 of fig. 1]; and a database transaction processor operatively coupled to the receiver of database transaction information and to the storage [database management server, 60 of fig. 2].

As to claims 25-27, all limitations of these claims have been addressed in the analysis of claims 11-13 above, and these claims are rejected on that basis.

As to claims 28-34, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

### ***Response to Arguments***

4. Applicant argues that Jawahar does not teach a transaction stored into a database by the customer and another transaction stored into the database by the agent.

As to point this, Examiner respectfully disagrees. It is noted that the features upon which applicant relies (i.e., a transaction stored into a database by the customer and another transaction stored into the database by the agent) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, Examiner believes that Jawahar teaches agents 20 and 32 can store various types of information transactions in the database 30 [ see col. 5, lines 37-46 and the abstract] and the information stored in database 58 includes customer information, product or service information, transaction tracking information may be used by transaction processing system 42, agents, customer or server 40 [col. 7, lines 53-65; fig. 2].

5. Applicant's arguments filed on December 29, 2003 have been fully considered but they are not persuasive.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 (Official Communication)

and/or:

(703) 746-5616 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks



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Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5359, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

A handwritten signature in black ink, appearing to be 'Thuy Pardo', with a long horizontal stroke extending to the right.

Thuy Pardo  
March 18, 2004